



#12

PATENT
ATTORNEY DOCKET NO. 50025/003002Certificate of Mailing: Date of Deposit: November 21, 2002

I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Susan M. Cannon
Printed name of person mailing correspondence

Susan M. Cannon
Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Victor J. Dzau et al.

Art Unit: 1636

Serial No.: 09/839,752

Examiner: M. Marvich

Filed: April 19, 2001

Customer No.: 21559

Title: Therapeutic Use of Cis-Element Decoys *In Vivo*

Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED
DEC 04 2002
TECH CENTER 1600/2900

TERMINAL DISCLAIMER UNDER 37 C.F.R. §§ 1.321 and 3.73(b)

Pursuant to 37 C.F.R. § 1.321(b), the Brigham and Women's Hospital Corporation, the assignee of the entire right, title, and interest in the above-captioned application, seeks to disclaim the terminal portion of the term of the patent to be granted on the application. This terminal disclaimer is binding on the grantee and its successors or assigns.

Pursuant to 37 C.F.R. § 1.321(b)(1), this terminal disclaimer is signed by an attorney of record.

Pursuant to 37 C.F.R. § 1.321(b)(2), the Brigham and Women's Hospital Corporation hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the application subsequent to the expiration date of any patent to be granted on U.S. Patent

Application Serial No. 08/524,206. The Brigham and Women's Hospital Corporation does not

disclaim any terminal part of any patent granted on the application prior to the expiration date of the full statutory term of any patent to be granted on U.S. Patent Application Serial No. 08/524,206 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above.

Pursuant to 37 C.F.R. § 1.321(b)(3) and § 3.73(b), the undersigned attorney of record certifies that the Brigham and Women's Hospital Corporation, a corporation, is the assignee of the entire right, title, and interest in the application by virtue of:

A chain of assignment of title from the inventors of the application to the current assignee is as follows: from inventors Gary H. Gibbons and Ryuichi Morishita to inventor Victor J. Dzau (this assignment was recorded in the Patent and Trademark Office at Reel/Frame 9738/0702), and then from Victor J. Dzau to the Brigham and Women's Hospital Corporation (this assignment was recorded in the Patent and Trademark Office at Reel/Frame 9738/0695). Copies of these assignments are enclosed.

The undersigned attorney of record has reviewed all the documents in the chain of title of the application and to the best of the undersigned's knowledge and belief, title is in the Brigham and Women's Hospital Corporation.

Pursuant to 37 C.F.R. § 1.321(b)(4), enclosed is a check for \$55.00 for the fee set forth in 37 C.F.R. § 1.20(d).

Further, pursuant to 37 C.F.R. § 1.321(c)(3), this terminal disclaimer is being filed to

overcome a provisional double patenting rejection in the application. Any patent granted on the application or any resulting patent subject to reexamination proceedings shall be enforceable only for and during such period that the patent is commonly owned with the application or patent that formed the basis for the rejection.

If there are any additional charges or any credits, please apply them to Deposit Account Number 03-2095.

Respectfully submitted,

Date: November 20, 2002

Susan M. Michaud
Susan M. Michaud, Ph.D.
Reg. No. 42,885

Clark & Elbing LLP
101 Federal Street
Boston, MA 02110
Telephone: 617-428-0200
Facsimile: 617-428-7045
50025.003002 terminal disclaimer.doc



21559

PATENT TRADEMARK OFFICE